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**BY ECF**

Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

*Re: Ross University. v. Brooklyn-Queens Health Care Inc.  
No. 09 Civ. 1410 (KAM) (RLM)*

Dear Judge Mann:

Subject to the Court's approval, the parties would like to amend the Protective Order to create a new category of confidential documents, "Attorneys' Eyes Only" documents. The Parties respectfully request that the Court enter the attached amendment to the protective order.

Respectfully submitted,



George J. Tzanetopoulos

Enclosures

cc: Walter P. Loughlin

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROSS UNIVERSITY SCHOOL OF  
MEDICINE, LTD.,

09 Civ. 1410 (KAM) (RLM)

Plaintiff,

– against –

BROOKLYN-QUEENS HEALTH CARE,  
INC. and WYCKOFF HEIGHTS MEDICAL  
CENTER,

Defendants.

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#### **AGREED AMENDMENT TO THE PROTECTIVE ORDER**

Plaintiff Ross University School of Medicine, Ltd. (“Ross”) and Defendants Brooklyn-Queens Health Care Inc. (“BQHC”) and Wyckoff Heights Medical Center (“WHMC”) request the Court enter the following Amendment to the Protective Order pursuant to Fed. R. Civ. P. 26(c) to protect the confidentiality of trade secret or other commercial information that may need to be disclosed to adverse parties in connection with this case. The parties having agreed to the following terms, and the Court having found good cause exists for issuance of an order setting forth the conditions for obtaining and using confidential information produced in this litigation, hereby orders as follows:

ORDERED that any person subject to the Protective Order – including without limitation the parties to this action, their representatives, agents, experts and consultants, all third parties providing discovery in this action, and all other interested persons with actual or constructive notice of this Protective Order – shall adhere to the following terms, upon pain of contempt:

1. ACCESS TO AND USE OF PROTECTED MATERIAL

Information which has been designated as CONFIDENTIAL – ATTORNEY EYES

ONLY may be disclosed only to:

- (a) The outside attorneys of record and their employees who are engaged in assisting in this action;
- (b) Independent consultants or experts retained by the party or its attorneys in connection with this action, including technical experts, damage and industry experts, and jury or trial consultants, together with their employees engaged in assisting in this action;
- (c) The Court and its personnel;
- (d) Court reporters and their personnel engaged in proceedings incident to preparation for trial or engaged in trial;
- (e) Professional vendors and their employees, including copy services, trial graphics services, and translation services, engaged by counsel; and
- (f) Any person who is indicated on the face of a document to have been an author, addressee, or copy recipient of the document, or the original source of the information.

SO ORDERED.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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Hon. Roanne L. Mann  
United States Magistrate Judge